

WILLMAR CITY COUNCIL PROCEEDINGS
COUNCIL CHAMBERS
WILLMAR MUNICIPAL UTILITIES BUILDING
WILLMAR, MINNESOTA

January 11, 1999
7:00 p.m.

The Honorable Mayor Lester Heitke officiated the opening ceremonies of the biennial organizational meeting. In accordance with the Willmar City Charter, the Council must meet on the first Monday after the first Tuesday of each January following a General Election. Following a brief review of the planned activities, Mayor Heitke called on Russ Anderson and Vince Norstrom, from the American Legaion, to present the colors and lead the Pledge of Allegiance.

City Clerk Kevin Halliday, chief officer in charge of voting for the City of Willmar, presented to Mayor Lester Heitke; Council Members Bruce DeBlieck, Ron Christianson, Rick Fagerlie, Doug Reese and Jim Dokken a Certificate of Election. The Honorable Judge Kathryn Smith, Judge of District Court, officiated the Swearing-in Ceremonies of the Mayor and five Council Members.

At this time Mayor Heitke called the meeting to order. Members present on a roll call were Mayor Heitke, Council Members Verna Kelly, Ron Christianson, Bruce DeBlieck, Rick Fagerlie, Douglas Reese, Denis Anderson, Nancy Houlahan, and Jim Dokken; Present 9, Absent 0.

Also present were City Administrator Michael Schmit, City Attorney Richard Ronning, Parks and Leisure Services Director Dale Johnson, Planning and Development Services Director Bruce Peterson, Public Safety Director Dan Strootman, Finance Director Steven Okins, City Clerk Kevin Halliday, and Public Works Director Mel Odens.

Mayor Heitke called upon Reverend David Echavarria to give the invocation. Upon completion of the invocation, Mayor Heitke presented to the City Council and those in attendance his message of the State of Affairs of the City of Willmar.

Mayor Heitke called for a recess at 7:38 p.m. and reconvened the meeting at 7:45 p.m.

Council Member DeBlieck requested that the Municipal Utilities Commission Minutes of December 28, 1998, be removed from the consent.

Council Member Reese offered a motion adopting the Consent Agenda which included the following: City Council Minutes of December 16, Municipal Utilities Commission Minutes of December 14, Building Inspection Report for December, Planning Commission Minutes of December 23, Zoning Appeals Board Minutes of December 28, 1998, Senior Center Council Minutes of January 6, 1999; Applications for Exempt Permits for Sertoma Club and Pheasants Forever; and Mayoral reappointments of as follows: Municipal Utilities Commission - Bradley Schmidt and Paul Stageberg, and Housing Redevelopment Authority - Brad Michelson. Council Member Kelly seconded the motion, which carried.

The Council reviewed the Municipal Utilities Commission Minutes of December 28, 1998. Following a discussion of the request from Kandiyohi Power Cooperative for an easement on Municipal Utilities' property adjacent to the Highway 23 bypass, it was the consensus of the Council to direct staff to refer the matter to the Community Development Commission. The Municipal Utilities Commission Minutes of December 28, 1998, were approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member DeBlieck, seconded by Council Member Fagerlie, and carried.

At 7:50 p.m. Mayor Heitke opened the hearing on an Ordinance Establishing the Willmar Municipal Airport Commission and Providing for Its Duties and Responsibilities. City Administrator Schmit presented details of the proposed

Ordinance establishing a Commission to oversee the operation and management of the existing Airport and guide the development and construction of the proposed new facility. Airport Manager Bruce Jaeger appeared before the Mayor and Council to speak in favor of the Ordinance and introduced Scott Brewster, recently hired Assistant Airport Manager. Upon hearing all those who wished to be heard, Mayor Heitke closed the hearing at 7:55 p.m.

Council Member Kelly offered a motion to adopt, assign a number and order final publication of the Ordinance Establishing the Willmar Municipal Airport Commission and Providing for Its Duties and Responsibilities. Council Member DeBlieck seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 8:00 p.m. Mayor Heitke opened the hearing on the Stormwater Management Ordinance. Public Works Director Odens presented details of the proposed Ordinance designed to address existing flooding problems in various sections of the community and plan for future growth and development. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 8:02 p.m.

Council Member Reese offered a motion to adopt, assign a number and order final publication of the Stormwater Management Ordinance. Council Member Kelly seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

At 8:04 p.m. Mayor Heitke opened the hearing on an Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Planning and Development Director Peterson informed the Mayor and Council that the Planning Commission initiated an amendment to the Zoning Ordinance which would allow an increase in wall sign area based on building setback from a public right-of-way. There being no one present to speak for or against the proposed Ordinance, Mayor Heitke closed the hearing at 8:05 p.m.

Council Member Kelly offered a motion to adopt, assign a number and order final publication of the Ordinance Amending Municipal Ordinance No. 1060, the Willmar Zoning Ordinance. Council Member Christianson seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

The Finance Committee Report of January 4, 1999, was presented to the Mayor and Council by Council Member Kelly. There were six items for Council consideration.

Item No. 1 The Committee briefly reviewed the City's Investment Policy. Following clarification of Section 4 dealing with the Objectives of the Policy, the Committee was recommending to the Council to table any action on the Policy until the January 25, 1999, Committee meeting. This matter was for information only.

Item No. 2 Steve Joul, representing the Central Minnesota Community Foundation, and Dean Anderson, representing the Willmar Area Community Foundation, appeared before the Committee to briefly report on the functions, procedures and policies used to create and operate a Community Foundation and how it relates to the City of Willmar. This matter was for information only.

Item No. 3 Staff presented to the Committee a proposed amendment to the Waste Treatment Budget to fund the cost of the removal and replacement of the Trickling Filter Media. The Committee was recommending to the Council to amend the budget as presented.

Resolution No. 1 was introduced by Council Member Kelly, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 1

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following 1998 budgetary changes:

Waste Treatment Fund:

Increase:	Motor Fuels and Lub.	\$ 2,200.00
	Mtce. Of Equip.	2,500.00
	General Supplies	12,000.00
	Mtce. Of Other Imp.	348,000.00
	Cleaning & Waste	12,000.00
	Prof. Services	15,500.00
	Advertising	100.00
Decrease:	Reserve	\$392,300.00

Dated this 11th day of January, 1999.

/s/ Lester J. Heitke
MAYOR

/s/ Kevin Halliday
Attest: City Clerk-Treasurer

Item No. 4 Staff presented to the Committee a proposed budget for the After School Grant the City was awarded this past fall. Following review, the Committee was recommending to the Council approval of the budget as presented. Resolution No. 2 was introduced by Council Member Kelly, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 2

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following 1998 budgetary changes:

Special Projects After School Grant:

Increase:	Personal Services	\$2,592.00
	Equipment	1,380.00
	Transportation	500.00
Increase:	Grant Revenue	\$2,980.00
	Transfers - Leisure Services	1,492.00

Dated this 11th day of January, 1999.

/s/ Lester J. Heitke
MAYOR

/s/ Kevin Halliday
Attest: City Clerk-Treasurer

Item No. 5 The Committee reviewed a request from a concerned citizen for a revision to the Livestock Permit Fee Schedule. This individual raises chickens and has had them for a considerable amount of time, with no complaints ever recorded with the City. It was the consensus of the Committee that this situation should be considered "grandfathered in" because it was pre-existing to the Ordinance limiting livestock ownership. The Committee was recommending to the Council to set the fee at \$5.00 per animal with a maximum permit fee of \$25.00.

Resolution No. 3 was introduced by Council Member Fagerlie, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 3

WHEREAS, the City Council of the City of Willmar has duly adopted an Ordinance permitting the keeping of livestock, fowl or swine for exhibition

purposes; and

WHEREAS, the fee for said permit is \$5.00 per animal; and

WHEREAS, the City Council is desirous of placing a maximum dollar value per permit.

NOW, THEREFORE, BE IT RESOLVED that the livestock, fowl or swine permit fee be set at \$5.00 per animal with a maximum fee of \$25.00 per permit.

Dated this 11th day of January, 1999.

/s/ Lester J. Heitke
MAYOR

/s/ Kevin Halliday
Attest: City Clerk-Treasurer

Item No. 6 The Committee reviewed a recommendation from the Convention and Visitors Bureau Board of Directors to amend their 1998 operating budget by \$10,000.00 to cover a more extensive advertising program than what had been originally budgeted. The Committee was recommending to the Council a resolution amending the C.V.B. budget.

Resolution No. 4 was introduced by Council Member Fagerlie, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 4

BE IT RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to make the following 1998 budgetary changes:

Convention and Visitors Bureau:

Increase:	Advertising	\$ 8,000.00
	Other Charges	2,000.00
Decrease:	Reserves	\$10,000.00

Dated this 11th day of January, 1999.

/s/ Lester J. Heitke
MAYOR

/s/ Kevin Halliday
Attest: City Clerk-Treasurer

The Finance Committee Report of January 4, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Christianson, and carried.

The Public Works/Safety Committee Report of January 5, 1999, was presented to the Mayor and Council by Council Member Reese. There were four items for Council consideration.

Item No. 1 The Committee reviewed a proposed ordinance amendment specifying who can be served liquor in private clubs. The changes were proposed as a result of complaints of a service club(s) allowing an open door policy. Service clubs pay an annual licensing fee of \$300 versus \$4,000 per year by other establishments. City Attorney Ronning explained that the service club fee is governed by Minnesota Statute. The amendment to the ordinance specifically

defines a bona fide guest.

The Committee was recommending to the Council to revise the proposed ordinance to exclude item d) under Section 1, and introduce the ordinance for hearing. Council Member Reese moved to approve the recommendation of the Public Works/Safety Committee with Council Member Kelly seconding the motion.

Chuck Hauptert, representing the American Legion appeared before the Mayor and Council to ask for clarity in the Ordinance with regards to weddings, birthdays and other gatherings. Following discussion, Council Member Reese withdrew the motion and Council Member Kelly withdrew the second. Council Member Reese moved to refer the Ordinance back to the Public Works/Safety Committee for further consideration. Council Member Kelly seconded the motion, which carried.

Item No. 2 The Committee reviewed proposed changes to the Noisy Party Ordinance including definitions that establish enforcement criteria. The Ordinance provides definitions for prima facia evidence, penalties, and general exemptions for public gatherings.

The Committee was recommending to the Council to introduce the ordinance for hearing. Council Member Reese offered a motion to introduce the Ordinance with Council Member Kelly seconding the motion. Following discussion regarding vague language as written, Council Member Reese withdrew the motion and Council Member Kelly withdrew the second. Council Member Kelly moved to refer the Ordinance back to the Public Works/Safety Committee for further consideration. Council Member Fagerlie seconded the motion, which carried.

Item No. 3 Kim Christensen of Robert L. Carr Co. was present to address the Wastewater Treatment Plant trickling filter replacement project with the Committee. This item was brought to the Committee's attention at a previous meeting due to the project's change in site conditions. The Committee reviewed a breakdown of costs incurred by the contractor totaling \$59,900. The amount bid by the contractor was \$19,900.

The contractor was requesting additional compensation for unforeseen circumstances incurred during the removal due to an excessive amount of sludge. Mr. Christensen and City staff worked together to provide a recommendation of additional compensation setting the project costs at \$45,812. The additional costs allowed for increased labor, road expenses, and garbage hauling charges. No additional compensation was proposed for equipment, miscellaneous supplies, overhead, or profit.

The Committee was recommending to the Council to accept the project and authorize final payment. Resolution No. 5 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 5

ACCEPTING PROJECT AND AUTHORIZING FINAL PAYMENT

PROJECT NUMBER: Trickling Filter Media Removal
IMPROVEMENT: Removal of Filter Media

Contractor:	Robert L. Carr Co.
Date of Contract:	September 25, 1998
Begin Work:	November 23, 1998
Complete Work:	December 17, 1998
Approve, City Engineer:	January 11, 1999

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that:

1. The said Trickling Filter Media Removal be herewith approved and accepted by the City of Willmar.

2. The following summary and final payment be approved:

Original Contract Amount:	\$19,900.00
Change Order	25,912.00
Final Net Contract Amount, Proposed:	\$45,812.00
Actual Final Contract Amount as Constructed:	\$45,812.00
Less Previous Estimate No. 1	0.00
FINAL PAYMENT DUE CONTRACTOR:	\$45,812.00

Dated this 11th day of January, 1999.

/s/ Lester J. Heitke
MAYOR

/s/ Kevin Halliday
Attest: City Clerk-Treasurer

Item No. 4 The Committee reviewed an improvement report for the 1999 projects. Three streets are proposed for reconstruction, including Trott Avenue from 1st to 10th Streets SW. Staff is proposing constructing Trott Avenue as a three-lane street using its present 42-foot width. Other streets included in the project are new construction proposed by developers. Street lighting is also proposed in the areas of Country Club Drive and 6th Street NE at the request of several property owners. The Committee then requested staff include street lighting on 7th Avenue NW, which was discussed in 1998.

The Committee was recommending to the Council to approve the 1999 Improvement Report with the inclusion of street lighting on 7th Avenue NW, and order an Improvement Hearing for February 3, 1999. Resolution No. 6 was introduced by Council Member Reese, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 6

RECEIVING PRELIMINARY REPORT AND CALLING
PUBLIC HEARING ON STREET IMPROVEMENTS OF 1999
PROJECT NO. 9901

WHEREAS:

1. The City Council deems it necessary and expedient that the City of Willmar, Minnesota, construct certain improvements to-wit: grading, gravel base, bituminous paving, curb and gutter, sidewalk, street lighting, storm sewer, sanitary sewer, water main, sump pump drain tile, and service lines in the City as described in and in accordance with the preliminary plans and report prepared by the City Engineer; and

2. The Council has been advised by the City Engineer that said Street Improvements of 1999 contained in the Preliminary Report are feasible and should best be made as proposed, and the City Engineer's report to this effect has heretofore been received by the Council, and filed with the Clerk-Treasurer; and

3. The statute provides that no such improvements shall be made until the Council shall have held a public hearing on such improvements following mailed notice and two publications thereof in the official newspaper stating time and place of the hearing, the general nature of the improvement, the estimated costs thereof and the area proposed to be assessed, in accordance with the law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. A public hearing will be held at the time and place set forth in the Notice of Hearing hereto attached (on file in the City Clerk's Office) to consider said proposed improvements.

2. The nature of the improvements, the estimated cost of each major portion thereof, and the areas proposed to be assessed therefore are described in the form of Notice of Hearing hereto attached.

3. The notice of said public hearing shall be in substantially the form contained in the notice hereto attached.

4. The Clerk-Treasurer is hereby authorized and directed to cause notice of said hearing to be given two publications in the official newspaper. Said publications shall be one week apart, and at least three days shall elapse between the last publication and the hearing. Not less than ten days before the hearing the Clerk-Treasurer shall mail notice of the hearing to the owner of each parcel of land within the area proposed to be assessed as described in the notice. For the purpose of giving such mailed notice, owners shall be those shown to be such on the records of the County Auditor or, if the tax statements in the County are mailed by the County Treasurer, on the records of the County Treasurer. As to properties not listed on the records of the County Auditor or the County Treasurer, the Clerk-Treasurer shall ascertain such ownership by any practicable means and give mailed notice to such owners.

Dated this 11th day of January, 1999.

/s/ Lester J. Heitke
MAYOR

/s/ Kevin Halliday
Attest: City Clerk-Treasurer

The Public Works/Safety Committee Report of January 5, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Labor Relations Committee Report of January 5, 1999, was presented to the Mayor and Council by Council Member Reese. There were three items for Council consideration.

Item No. 1 The Committee received a recommendation from City Administrator Schmit to grant merit pay increases for Department Directors in the amount of \$500 each. The merit pay increases were proposed as part of the 1998 performance evaluation process. The Committee was recommending to the Council approval of the merit payments as proposed. Council Member Reese moved to approve the recommendation of the Labor Relations Committee with Council Member Houlahan seconding the motion, which carried.

Item No. 2 The Committee reviewed correspondence from City Attorney Ronning regarding adjustments to his contract for the 1999 calendar year. Following a review of the correspondence and the employment contract, the Committee was recommending to the Council that Mr. Ronning receive a 3 percent cost-of-living adjustment on his base salary and that the employer-paid life insurance be increased from \$50,000 to \$100,000, and other terms of the existing contract would remain the same. Council Member Reese moved to approve the recommendation of the Labor Relations Committee, with Council Member DeBlick seconding the motion, which carried.

Item No. 3 At 7:30 p.m. the Committee moved to close the meeting for the purpose of conducting the annual performance evaluation of City Administrator Michael Schmit. At 8:40 p.m. the Committee meeting was reopened.

The Committee was recommending to the Council that Mr. Schmit be granted a 3 percent cost-of-living adjustment to his salary; a \$2,000 lump-sum merit payment; and that the employer-paid life insurance be increased by \$50,000. All other terms of the existing contract would remain the same. Council Member Reese moved to approve the recommendation of the Labor Relations Committee with Council Member Houlahan seconded the motion, which carried.

The Labor Relations Committee Report of January 5, 1999, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Reese, seconded by Council Member Christianson, and carried.

The Mayor and Council considered Council reorganizational issues. Following discussion, Resolution No. 7 was introduced by Council Member Kelly, seconded by Council Member DeBlieck, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 7

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, that the regular semi-monthly meetings of the City Council shall be held at 7:00 p.m. on the first and third Wednesdays of each month during the next two years and that the regular place of said meetings shall be in the Council Chambers of the Municipal Utilities Building, 700 Litchfield Avenue Southwest, Willmar, Minnesota; and

BE IT FURTHER RESOLVED that the time for adjournment of said Council meetings shall be no later than 11:00 p.m. with the following exceptions:

1. An item of business under consideration at 11:00 p.m. may be disposed.
2. Business from the first meeting of the month will be carried over to the second meeting if necessary.
3. Any business not completed at the second meeting of the month, which is urgent and must have action will be adjourned to a special meeting.

Dated this 11th day of January, 1999.

/s/ Lester J. Heitke
MAYOR

/s/ Kevin Halliday
Attest: City Clerk-Treasurer

Resolution No. 8 was introduced by Council Member Reese, seconded by Council Member Christianson, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 8

BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, a municipal corporation of the State of Minnesota, that the West Central Daily Tribune of Willmar, Minnesota, be designated as the legal newspaper for the City of Willmar and that the fees set by State statutes for legal publications be accepted.

Dated this 11th day of January, 1999.

/s/ Lester J. Heitke
MAYOR

/s/ Kevin Halliday
Attest: City Clerk-Treasurer

Resolution No. 9 was introduced by Council Member DeBlieck, seconded by Council Member Fagerlie, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 9

WHEREAS, the Charter of the City of Willmar, a municipal corporation of the State of Minnesota, provides that in the absence or disability of the Mayor, an Acting Mayor shall be appointed by action of the City Council;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar as follows:

that during the years 1999 and 2000, should the Mayor, the Honorable Lester Heitke, be absent or unable to act as such Mayor, that Council Member Verna Kelly be and is hereby appointed as Acting Mayor to act in all said circumstances and as set forth in the Charter of the City of Willmar.
Dated this 11th day of January, 1999.

/s/ Lester J. Heitke
MAYOR

/s/ Kevin Halliday
Attest: City Clerk-Treasurer

Resolution No. 10 was introduced by Council Member Fagerlie, seconded by Council Member Reese, read by Mayor Heitke, and approved on a roll call vote of Ayes 8, Noes 0.

RESOLUTION NO. 10

BE IT RESOLVED, by the City Council of the City of Willmar, Minnesota, that the 1999 through 2000 Committee appointments for members of the Council shall be provided in the list of appointments as follows:

Labor Relations Committee:

Ron Christianson, Chair
Nancy Houlahan, Vice Chair
Doug Reese
Denis Anderson
Michael Schmit, City Administrator
Steve Okins, Finance Director
Municipal Utilities Commission
Rice Hospital Board

Finance Committee:

Verna Kelly, Chair
Denis Anderson, Vice Chair
Jim Dokken
Nancy Houlahan
Michael Schmit, City Administrator
Steve Okins, Finance Director
Kevin Halliday, City Clerk-Treasurer

Community Development Committee:

Bruce DeBlieck, Chair
Jim Dokken, Vice Chair
Ron Christianson
Rick Fagerlie
Michael Schmit, City Administrator
Bruce Peterson, Director of Planning
and Development Services

<u>Public Works/Safety Committee:</u>	Doug Reese, Chair Rick Fagerlie, Vice Chair Verna Kelly Bruce DeBlieck Michael Schmit, City Administrator Dan Strootman, Public Safety Director Mel Odens, Public Works Director
<u>West Central Mental Health:</u>	Jim Dokken
<u>Mid-Minnesota Development Commission:</u>	Mayor Lester Heitke
<u>Cable Communications:</u>	Denis Anderson and Doug Reese
<u>Senior Citizens Council:</u>	Nancy Houlahan
<u>Park and Leisure Services Board:</u>	Rick Fagerlie and Ron Christianson
<u>Rice Hospital Board:</u>	Verna Kelly
<u>Municipal Utilities Commission:</u>	Bruce DeBlieck (Nancy Houlahan - alternate)
<u>Convention and Visitors Bureau:</u>	Denis Anderson
<u>Human Rights Commission:</u>	Nancy Houlahan
<u>Allied Power Board:</u>	Bruce DeBlieck
<u>Transit Joint Powers Board:</u>	Bruce DeBlieck and Rick Fagerlie
<u>Sister Cities:</u>	Doug Reese
<u>Fire Code Appeals Board:</u>	Ron Christianson, Chair Denis Anderson, Vice Chair

Dated this 11th day of January, 1999.

/s/ Lester J. Heitke
MAYOR

/s/ Kevin Halliday
Attest: City Clerk-Treasurer

There being no further business to come before the Council, the meeting adjourned at 8:55 p.m. upon motion by Council Member Kelly, seconded by Council Member Reese, and carried.

Attest: _____
MAYOR

SECRETARY TO THE COUNCIL